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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,075	02/19/2004	Charles R. Weirauch	200314899-1	7028

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FORT COLLINS, CO 80527-2400

EXAMINER

BIBBINS, LATANYA

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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,075	Applicant(s) WEIRAUCH ET AL.	
	Examiner LaTanya Bibbins	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 6, 2007 has been entered.

In the remarks filed on July 6, 2007, Applicant amended claims 1, 5, 15, and 16, and submitted arguments for allowability of pending claims 1-16.

Response to Arguments

2. Applicant's arguments filed July 6, 2007, with respect to the 35 U.S.C. 102(e) rejections of claims 1-10 and 12-16 over Murakami et al. (US Patent Number 6,973,015 B1) and the 35 U.S.C. 103(a) rejection of claim 11 over Murakami et al. (US Patent Number 6,973,015 B1) in view of Suh et al. (US PGPub Number 2004/0168074 A1), have been fully considered but they are not persuasive.

In regard to claims 1-16, Applicant argues that the TOC and additional information areas taught by Murakami are contained within separate concentric rings of the recording layer with no indication that any one of these areas are surfaces that are "underneath and optically read through" any other surfaces. Applicant further argues that Murakami teaches a magneto-optical disk with a recording layer comprising a

plurality of layered magnetic thin films and asserts that it is not possible to optically read information encoded in the magnetic layers taught by Murakami.

However, as discussed in the Final Rejection mailed April 6, 2007, Murakami teaches a recording medium with various surfaces which are illustrated in Figure 3A. In addition, the "second surface" as claimed corresponds to the "additional information area" (element 101 of Figure 1A) of Murakami. The additional information is stored as a barcode format (column 5 line 61) and is located on a second surface as shown in Figure 3A.

In addition, while Murakami does in fact teach a magneto-optical disk, unlike traditional magnetic recording systems, which use currents induced in the magnetic heads by the changing magnetic fluxes on the disk surface to read the data, magneto-optical disks use polarized light to read the data from the disk (i.e. reading is done optically while writing is done magnetically). Hence, it is therefore possible to optically read information in the layers of the magneto-optical disk of Murakami.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Murakami et al. (US Patent Number 6,973,015 B1).

Regarding claim 1, Murakami discloses a method, comprising: refusing, by a drive, to read information from a first surface of an optical medium (see the TOC area in Figure 1A element 103) when required information on a second surface (see the additional information area in Figure 1A element 101) of the optical medium cannot be read (see the flowchart of a reproduction procedure in Figure 10A, specifically element 301i where an error is created when information can not be reproduced from the additional information area) one of the first and second surfaces being underneath and optically read through the other of the first and second surfaces (column 5 line 59 – column 6 line 3).

Regarding claim 2, Murakami discloses the method of claim 1, further comprising: reading, from the first surface, information that indicates that information on the second surface is required (see column 5 lines 29-40).

Regarding claim 3, the method of claim 1, further comprising: refusing, by the drive, to provide information from a data surface of the optical medium when required information on an external surface of the optical medium cannot be read (see the flowchart of a reproduction procedure in Figure 10A, specifically element 301i where an error is created when information can not be reproduced from the additional information area also Figure 1A with a first surface, the TOC area 103, and a second surface, the additional information area 101, and column 5 lines 9-12 where the additional information area may be located at the outer peripheral portion of the disc).

Regarding claim 4, Murakami discloses the method of claim 1, further comprising: refusing, by the drive, to provide information from a first data surface (see the TOC area in Figure 1A element 103) of the optical medium when required information on a second data surface (see the additional information area in Figure 1A element 101) of the optical medium cannot be read (see the flowchart of a reproduction procedure in Figure 10A, specifically element 301i where an error is created when information can not be reproduced from the additional information area).

Regarding claim 5, Murakami discloses an optical medium (Figure 1A element 100), comprising: a first surface (see the TOC area in Figure 1A element 103), the first surface having an indication that information on a second surface is required to permit access to content on the first surface (see column 5 lines 29-40); and information on the second surface corresponding to the indication on the first surface (see the additional information area in Figure 1A element 101) and an upper surface of the first and second surfaces being partially reflective and permitting optical access to a lower surface of the first and second surfaces underneath the upper surface (column 5 line 59 – column 6 line 3).

Regarding claim 6, Murakami discloses the optical medium of claim 5, further comprising: the first surface being an internal data surface; and the second surface being an external surface (see Figure 1A with a first surface, the TOC area 103, and a second surface, the additional information area 101, and column 5 lines 9-12 where the additional information area may be located at the outer peripheral portion of the disc).

Regarding claim 7, Murakami discloses the optical medium of claim 5, further comprising: the first surface being an external surface; and the second surface being an internal data surface (see Figure 1A where the first surface, the TOC area 103, is external to the second surface, the additional information area 101, in relation to the inner peripheral portion of the disc).

Regarding claim 8, Murakami discloses the optical medium of claim 5, further comprising: each of the first surface and the second surface being an internal data surface (see Figure 1A where both the TOC area 103 and the additional information area 101 are internal in relation to the main recording area 110).

Regarding claim 9, Murakami discloses the optical medium of claim 5, further comprising: the information on the second surface comprising a bar code (see column 5 lines 12-14).

Regarding claim 10, Murakami discloses the optical medium of claim 5, further comprising: the information on at least one of the first and second surfaces comprising data in a control block (see Figure 1B).

Regarding claim 12, Murakami discloses the optical medium of claim 5, further comprising: the information on at least one of the first and second surfaces comprising data embedded within other data (see Figure 1B and Figures 2A and 2B where both the TOC and the additional information areas contain embedded data).

Regarding claim 13, Murakami discloses the optical medium of claim 5, further comprising: the information on the second surface comprising variable information (see

the description of the data contained in the additional information area in column 6 lines 9-42 and the illustration in Figures 2A and 2B).

Regarding claim 14, Murakami discloses the optical medium of claim 13, further comprising: the information on the second surface comprising a unique identifier of the optical medium (see column 5 lines 21 and 22 and further in column 9 lines 6-8).

Regarding claim 15, Murakami discloses a drive for optical media, comprising: a controller, the controller permitting external access to information from a first surface on an optical medium, only when required information can be read on a second surface on the optical medium (see column 13 lines 33-39 and further in column 13 lines 48-53 and Figure 7 element 523) wherein the controller causes a lens to optically focus on a lower surface of the first and second surfaces through an upper surface of the first and second surfaces above the lower surface (column 5 line 59 – column 6 line 3).

Regarding claim 16, Murakami discloses a drive for optical media, comprising: means for detecting that information on a first surface of an optical medium is required (see the TOC area in Figure 1A element 103); and means for refusing to permit external access external to information from a second surface of the optical medium, unless the required information on the first surface can be read by the drive (see the flowchart of a reproduction procedure in Figure 10A, specifically element 301i where an error is created when information can not be reproduced from the additional information area) and means for optically focusing on a lower surface of the first and second surfaces through an upper surface of the first and second surfaces above the lower surface (column 5 line 59 – column 6 line 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (US Patent Number 6,973,015 B1) as applied to claim 5 above, and further in view of Suh et al. (US PGPub Number 2004/0168074 A1).**

Regarding claim 11, Murakami discloses the optical medium including all of the limitations of claim 5 but fails to teach that the optical medium comprises the information on at least one of the first and second surfaces comprising data encoded in groove wobble. Suh, however, teaches an optical medium where the information on at least one of the first and second surfaces comprises data encoded in groove wobble (see paragraph [0050]-[0052] and Figures 4F and 5).


Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode the copy protection information in wobbled pits as taught by Suh onto the optical medium of Murakami. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to prevent the information from being easily detected by common detecting methods (see Suh paragraph [0051]).

Conclusion

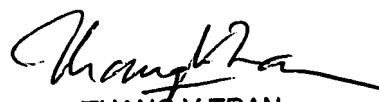
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LaTanya Bibbins



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PRIMARY EXAMINER